



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, शनिवार, 21 सितम्बर, 1974/30 भाद्रपद, 1896

GOVERNMENT OF HIMACHAL PRADESH

EXCISE AND TAXATION DEPARTMENT

NOTIFICATION

Simla-171002, the 3rd September, 1974

No. 19-37/71-E&T (Sectt.).—In exercise of the powers vested in him under proviso to Article 309 of the Constitution of India and all other powers enabling him in this behalf, the Governor, Himachal Pradesh in consultation with the Himachal Pradesh Public Service Commission *vide* their letter No. 1-29/73-PSC, dated the 14th May, 1974 is pleased to make the following rules in regard to the following matters, namely:—

- (i) the method of recruitment to the Himachal Pradesh Excise & Taxation Department Class-III-Ministerial (Superintendent and Head Assistants) Service;
- (ii) the qualifications necessary for appointment to such service and posts; and
- (iii) the conditions of service of persons appointed to the said service and posts for the purpose of probation, confirmation, seniority and promotion etc.

RECRUITMENT RULES

PART I—GENERAL

Short title and commencement. 1. (a) These rules may be called the Himachal Pradesh Excise and Taxation Department Class-III-Ministerial Superintendent and Head Assistant service (Recruitment, Promotion and Certain Conditions of Service) Rules, 1974.

(b) These rules shall come into force from the date of their publication in the Official Gazette.

Definitions. 2. In these rules, unless there is anything repugnant in the subject or context:—

- (a) “appointing authority” means the authority competent to make appointments to the category of posts in the service;
- (b) “direct appointment” means an appointment made otherwise than by promotion from amongst the members of the service or by transfer of an official already in the service of the Government;
- (c) “Government” means the Himachal Pradesh Government;
- (d) “service” means the Himachal Pradesh Excise and Taxation Department Class-III-Ministerial Superintendent and Head Assistants Service;
- (e) “member” means a member of the Himachal Pradesh Excise and Taxation Department Class-III-Ministerial Superintendent and Head Assistants Service;
- (f) “head of department” means the Excise & Taxation Commissioner, Himachal Pradesh;
- (g) “recognised university” means any University incorporated by law in India;
- (h) “scheduled castes” means the castes, races or tribes or parts of groups within castes, races or tribes, specified in the Schedule to the Constitution of India (Scheduled Castes) Order, 1950 as amended by section 19 (1) read with First Schedule of the State of Himachal Pradesh Act, 1970 (53 of 1970) and as it may further be amended from time to time;
- (i) “scheduled tribes” means the tribes, tribal Communities or parts of groups within tribes or tribal communities specified in Schedule to the Constitution (Scheduled Tribes) Order, 1950, as amended by section 20 (1) read with Third Schedule of the State of Himachal Pradesh Act, 1970 (53 of 1970) and as it may further be amended from time to time.

PART II-RECRUITMENT TO SERVICE

Character of post. 3. The character (*i. e.* designation etc.) of the various posts included in the Service and their rates of pay shall be as indicated in Annexures I&II to these rules:

Provided that nothing in these rules shall affect the inherent right of the Government to add or reduce the number of such posts or create new posts with different designations and scales of pay whether permanently or temporarily.

4. All appointments/promotions to the posts in the service shall be made by the Head of Department or any other authority declared as such by the Government of Himachal Pradesh, on the recommendations of the Departmental Promotion Committee as may be constituted by the Government from time to time and in consultation with the Himachal Pradesh Public Service Commission.

Authority empowered to make appointments.

5. (1) A candidate for appointment to any post in the service must be:—

Nationality eligibility and age etc.

- (a) a citizen of India, or
- (b) a subject of Sikkim, or
- (c) a subject of Nepal, or
- (d) a person of Indian origin who has migrated from Pakistan with the intention of permanently settling in India:

Provided that if he/she belongs to category (c) or (d) he/she must be a person in whose favour a certificate of eligibility has been given by the Government of India:

Provided further that if he/she belongs to category (d), the certificate of eligibility will be valid only for a period of one year from the date of his/her appointment beyond which he/she can be retained in service only if he/she has become a citizen of India.

A candidate in whose case a certificate of eligibility is necessary, may be admitted to an examination or interview and he/she may also provisionally be appointed subject to the necessary certificate being given to him/her by the Government.

(2) Unless he/she is already in Government service must produce:—

- (i) a certificate of good moral character from the Principal, Academic officer of his/her University, College, School or the Head of his/her educational or technical institution last attended;
- (ii) certificate of good moral character from two responsible persons, not being his/her relatives, who are well acquainted with him/her in private life and unconnected with his/her University, College, School or other educational or technical institutions;
- (iii) a medical certificate, as required by service rules as may be applicable to the Service by the Government from time to time;
- (iv) a declaration to the effect that he has not more than one living wife;

Note.—No person who has more than one wife living, or who having a spouse living, in any case in which such marriage is void by reason of its taking place during the life time of such spouse, shall be eligible for appointment to service;

- (v) In the case of a female Government servant, a declaration to the effect that she has not married a person having already a living wife.

Nore.—No women whose marriage is void by reason of the husband having a wife living at the time of such marriage or who has married a person who has a wife living at the time of such marriage, shall be eligible for appointment to service:

Provided that the Government may, if satisfied that there are special grounds for doing so, exempt any person from the operation of rules in clauses (iv) and (v) above.

(3) The candidate must be within the age limits specified for each post in column (6) of Annexures I & II to these rules:

Provided that maximum age limits as prescribed may be relaxed in pursuance of instructions as may be enforced from time to time.

Educational and technical qualifications.

6. The educational and technical qualifications for appointment to each post, shall be as specified in column 7 of Annexures I & II to these rules.

Method of recruitment.

7. Posts in the service shall be filled, as specified in columns 10 and 11 of Annexures I & II to these rules:

Provided that nothing contained in these rules shall affect reservations and other concessions required to be provided for scheduled castes and scheduled tribes and other special categories of persons in accordance with the orders issued by the Government from time to time.

Selection by departmental Recruitment/Promotion Committee.

8. Offers of appointments shall be made strictly in accordance with the order in which the candidates are placed at the time of selection by the Departmental Recruitment Committee or Departmental Promotion Committee, as the case may be. The constitution of the Departmental Promotion Committee or the Departmental Recruitment Committee shall be as may be ordered by the Government from time to time.

PART III—CONDITIONS OF SERVICE

Probation of Members of Service

9. (1) Members of the service who are appointed against permanent vacancies shall, on appointment to any post in the service, remain on probation for the period prescribed in column (9) of Annexures I & II to these rules.

Explanation.—Approved officiating service shall be taken as a period spent on probation but no member who is officiating in any appointment shall, on the completion of the prescribed probationary period, be confirmed until he/she is appointed against a permanent vacancy.

(2) If the work or conduct of any member during his/her period of probation is, in the opinion of the appointing authority not satisfactory, the appointing authority may dispense with his/her service or revert him/her to his/her former post if he/she has been appointed to that post otherwise than by direct recruitment.

(3) On the completion of the period of probation by any member, the appointing authority prescribed in Rule 4 may confirm such member in his/her appointment or if his/her work or conduct has, in the opinion of the appointing authority, not been satisfactory, may dispense with his/her service, or revert him/her to his/her former post if he/she has been appointed otherwise than by direct appointment or may extend the period of probation and thereafter pass such orders on the expiry of probation as it should have passed on the expiry of the first period of probation.

10. The scales of pay of each class of the service shall be as mentioned in column (4) of Annexures I & II to these rules subject to their revision from time to time.

Scale of pay of the service.

11. In respect of discipline, punishment and appeals, the members of the service shall be governed by the provisions of the rules made applicable to Himachal Pradesh service from time to time unless one has exercised option otherwise.

Discipline.

12. (1) Persons appointed in a substantive or officiating capacity to a grade prior to the issue of these rules shall retain the relative seniority already assigned to them or such seniority as may hereafter be assigned to them under the existing orders applicable to their cases and shall *en bloc* be senior to all other in that grade.

Seniority of members of the service.

Explanation.—For the purpose of these rules persons who are confirmed retrospectively with effect from a date earlier than the issue of these rules shall be considered to be permanent officers of the grade.

(2) Subject to the provisions of sub-rule (3) below, permanent officers of each grade shall be ranked senior to persons who are officiating in that grade.

(3) *Direct recruits.*—Notwithstanding the provisions of sub-rule (2) above, the relative seniority of all direct recruits shall be determined by the order of merit in which they are selected for such appointment on the recommendations of the selection authority, persons appointed as a result of an earlier selection being senior to those appointed as a result of a subsequent selection:

Provided that where persons recruited initially on a temporary basis are confirmed subsequently in an order different from the order of merit indicated at the time of their appointment, seniority shall follow the order of confirmation and not the original order of merit:

Provided further that a person who does not join within the specified period shall lose his/her seniority in the select list and rank in the seniority list next to the person who joined earlier; and

Provided further that he/she shall not lose his/her seniority, if the fact of his/her joining later is caused by circumstances beyond his/her control and for the reasons to be recorded in writing and if the appointing authority is satisfied that this was so.

(4) *Promotees.*—(i) The relative seniority of persons promoted to the various grades shall be determined in the order of thier selection for such promotions:

Provided that where persons promoted initially on temporary basis are confirmed subsequently in an order different from the order of merit indicated at the time of their promotion, seniority shall follow the order of confirmation and not the original order of merit.

(ii) Where promotions to a grade are made from more than one grade, the eligible persons shall be arranged in separate lists in the order of their relative seniority in their respective grades. Thereafter, the Departmental Promotion Committee shall select persons for promotion from each list upto the prescribed quota and arrange all the candidates selected from different list in a consolidated order of merit which will determine the seniority of the persons on promotion to the higher grade.

(5) *Relative seniority of direct recruits and Promotees.*—The relative seniority of direct recruits and of promotees shall be determined according to the rotation of vacancies between direct recruits and promotees which shall be based on the quotas of vacancies reserved for direct recruitment and promotion respectively in the Recruitment Rules:

Provided that the relative seniority of persons appointed by transfer shall be determined in accordance with the order of thier selection.

(6) *Explanatory Memorandum.*—Where promotions are made on the basis of selection by a Departmental Promotion Committee the seniority of such promotees shall be in the order in which they are recommended for such promotion by the Committee. Where promotions are made on the basis of seniority subject to the rejection of the unfit, the seniority of persons considered fit for promotion at the same time shall be the same as the relative seniority in the lower grade from which they are promoted. Where, however, a person is considered as unfit for promotion and is superseded by a junior, such persons shall not, if he/she is subsequently found suitable and promoted, take seniority in the higher grade over the junior persons who superseded him.

(7) Direct recruit shall be ranked in seniority belwo the promotees. It for any reason, a direct recruit or promotee ceases to hold the appointment in the grade, the seniority shall not be re-arranged merely for the purpose or ensuring the proportion referred to above.

Leave, pension and other condition of service.

13. In respect of leave, pension and other cognate matters not specifically mentioned in these rules, the members of the service shall be governed by such rules and orders in force from time to time.

Training and examination etc.

14. The members of the service shall qualify such examinations or undergo such training as may be prescribed by the Government from time time for any class of posts.

Power to relax the rules.

15. Where the Government is of the opinion that it is necessary or expedient to do so, it may, by order, for reasons to be recorded in writing relax any of the provisions of these rules with respect of any class or category of persons.

Interpretation.

16. If any question arises relating to the inter pretation of these rules, it shall be referred to the Government whose decision thereon shall be final.

ANNEXURE I

RECRUITMENT AND PROMOTION RULES FOR THE POST
OF SUPERINTENDENT (CLASS-III) IN THE DEPART-
MENT OF EXCISE & TAXATION, HIMACHAL
PRADESH GOVERNMENT

1. Name of post .. Superintendent.
2. No. of posts .. One.
3. Classification. .. Class-III.
4. Scale of pay .. Rs. 400-650.
5. Whether selection post or non-
selection post .. Selection.
6. Age for direct recruits .. Below 40 years.
7. Minimum educational and other
qualifications required for direct
recruits. *Essential* : (i) Graduate of a
recognised University or
its equivalent.
(ii) 10 years, experience of
office work.
8. Whether age and educational quali-
fications prescribed for direct recruits
will apply in the case of promotees. No.
9. Period of probation, if any 2 years subject to such fur-
ther extension for a period
not exceeding one year as
may be ordered by the
competent authority in
special circumstances and
for reasons to be reduced
to writing.
10. Method of recruitment whether by
direct rectt. or by promotion/ depu-
tation/transfer and the percentage
of vacancies to be filled by various
methods. By promotion failing which
by direct recruitment.
11. In case of rectt. by promotion/
deputation/transfer, grades from
which promotion/deputation/transfer
to be made. By promotion from amongst
the Head Assistants with
3 years' regular service
in the grade.
12. If a D. P. C. exists what is its com-
position. D. P. C. to be presided over
by the Chairman of
the H. P. P. S. C. or a
Member thereof to be nomi-
nated by him.
13. Circumstances in which H.P.P.S.C.
is to be consulted in making rectt. As required under the law.

Notes.—1. Upper age-limit for direct recruits will not be applicable
to candidates already in the service of the Government.
2. Upper age-limit is relaxable for Schedule Castes/Tribes
candidates and other categories of persons to the extent

- permissible under the general or special orders of the Himachal Pradesh Government.
3. Age and qualifications relaxable at the discretion of the Commission in case of candidates otherwise well qualified.
 4. Provision of columns 10 and 11 are to be revised by the Government in consultation with the H. P. Public Service Commission as and when the number of posts under column No. 2 are increased or decreased.
 5. Age limit for direct recruits will be reckoned from the last date fixed for receipt of applications by the Commission.
 6. When the Government is of the opinion that it is necessary or expedient to do so, it may by order for reasons to be recorded in writing, and in consultation with the H. P. Public Service Commission, relax any of the provisions of these rules with respect to any class or category of persons.
 7. Selection for appointment to these posts shall be made on the basis of *viva voce* test, if the Commission so considers necessary or expedient, by a written test, the standard/syllabus etc. of which will be determined by the Commission or a practical test.

ANNEXURE II

RECRUITMENT AND PROMOTION RULES FOR THE POST OF HEAD ASSISTANT IN THE DEPARTMENT OF EXCISE AND TAXATION, HIMACHAL PRADESH GOVERNMENT

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| 1. Name of post. | Head Assistant. |
| 2. No. of posts. | Two. |
| 3. Classification . | Class-III. |
| 4. Scale of pay. | Rs. 300-550. |
| 5. Whether selection post or non-selection post. | Non-selection. |
| 6. Age for direct recruits. | Between 18 years and 35 years. |
| 7. Minimum educational and other qualifications required for direct recruits. | <i>Essential:</i> (i) Graduate of a recognised University or its equivalent.
(ii) Five years' experience of office work. |
| 8. Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotees. | No. |
| 9. Period of probation, if any | 2 years subject to such further extension for a period not exceeding one year as may be ordered by the competent authority in |

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| <p>10. Method of recruitment, whether by direct rectt. or by promotion/deputation/transfer and the percentage of vacancies to be filled by various methods.</p> <p>11. In case of rectt. by promotion/deputation/transfer, grades from which promotion/deputation/transfer to be made.</p> <p>12. If a D.P.C. exists what is its composition.</p> <p>13. Circumstances in which H. P. P.S.C. is to be consulted in making rectt.</p> | <p>special circumstances and for reasons to be reduced to writing. 100% by promotion, failing which by direct recruitment.</p> <p><i>By promotion</i> from amongst the Head Clerks, Assistants, Accountants and Senior Scale Stenographer with 5 years' regular service in the grade. (For purpose of promotion, a combined seniority list of eligible Head Clerks/Assistants/Accountants/Senior Scale Stenographer will be prepared on the basis of dates of regular apptt. in the grade; <i>inter se</i> seniority remaining the same).</p> <p>D.P.C. to be presided over by the Chairman of the H.P., P.S.C. or a Member thereof to be nominated by him.</p> <p>As required under the law.</p> |
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- Notes.**—1. Upper age-limit for direct recruits will not be applicable to candidates already in the service of the Government.
2. Upper age-limit is relaxable for Scheduled Castes/Tribes candidates and other categories of persons to the extent permissible under the general or special orders of the Himachal Pradesh Government.
3. Age and qualifications relaxable at the discretion of the Commission in case of candidates otherwise well qualified.
4. Provisions of cols. 10 and 11 are to be revised by the Government in consultation with the H.P. Public Service Commission as and when the number of posts under column No. 2 are increased or decreased.
5. Age limit for direct recruits will be reckoned from the last date fixed for receipt of applications by the Commission.
6. When the Government is of the opinion that it is necessary or expedient to do so, it may by order for reasons to be recorded in writing, and in consultation with the H.P. Public Service Commission, relax any of the provisions of these rules with respect to any class or category of persons.
7. Selection for appointment to these posts shall be made on the basis of *viva voce* test, if the Commission so considers necessary or expedient, by a written test, the standard/syllabus etc. of which will be determined by the Commission of a practical test.

By order,
P. K. MATTOO,
Secretary.

